

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: September 12, 2023 Consent Regular
 Workshop Public Hearing

Department: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) approve Amendment Number 3 to Lease Agreement (Amendment), with the Florida Inland Navigation District (FIND), for the occupancy and use of the Material Storage Area 617-C (Premises) as a construction staging site for storage of materials for the Lake Worth Lagoon Continuing Authorities Program, Section 1135 Project (USACE Project) and to extend the term of the lease from July 31, 2024 to August 29, 2025.

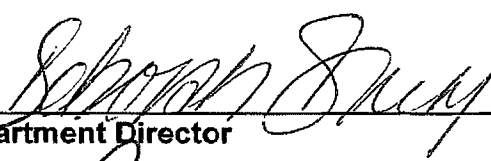
B) authorize the Mayor to sign the Certification of Lands for the Department of the Army, United States Army Corps of Engineers (USACE), acknowledging and certifying sufficient real property interests in the Premises and granting USACE an irrevocable right to enter the Premises for purposes of the USACE Project.


Summary: On October 20, 2020, the Board of County Commissioners approved a Lease Agreement with FIND (R2020-1588) to use the Premises for the handling and temporary storage of rock, shell and sand material needed for several County restoration projects, collectively referred to as the Project. The purpose of this Amendment is to 1) add the USACE Project to the lease agreement, 2) extend the lease term, 3) have FIND grant the County the authority to grant an irrevocable right of entry to the Premises to the USACE and its contractors for the implementation of the USACE Project, and 4) have FIND certify to the USACE and the County that the Premises shall not be conveyed, transferred, or otherwise altered and that the lease shall not be impaired during the life of the USACE Project without express written consent of the County. As part of the Project Partnership Agreement with USACE for the USACE Project, dated August 21, 2019 (R2019-1177), the County is required to provide USACE with applicable real property interests for the construction, operation and maintenance of the USACE Project, including entry to the Premises as a staging site. USACE requires that the Mayor sign the Certification of Lands to confirm the above information. **There is no cost to the County.** District 1 (SS)

Background and Justification: The FIND Premises is one of a limited number of waterfront sites suitable for construction staging for the County's environmental restoration and artificial reef projects and has been utilized previously for similar purposes. FIND has historically leased the site directly to various contractors, but now requests that lease agreements be with the contracting entity for oversight.

Attachments:

- 1. Amendment Number 3 to Lease Agreement (R2020-1588)
- 2. Certification of Lands

Recommended by:  8-21-23 SAS 8/14/23
Department Director **Date**

Approved by:  8/31/23
Assistant County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	-0-	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No X

Does this item include the use of federal funds? Yes _____ No _____

Budget Account No.:

Fund _____ Department _____ Unit _____ Object _____ Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:
No fiscal impacts.

C. Department Fiscal Review:

[Signature]

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Dev. and Control Comments:

[Signature] 8/23/23 *[Signature]* 8/25/23
 OFMB MF 8/23/2023 Contract Development & Control
 MD 8/23 8/23/23 8/25/23

B. Legal Sufficiency:

[Signature] 8/25/23
 Assistant County Attorney

C. Other Department Review:

 Department Director